

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Present- The Hon'ble Justice Soumitra Pal (Chairman) &
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

Case No. OA -238 OF 2020

DR. ANIRBAN GANGULY Vs. THE STATE OF WEST BENGAL & OTHERS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>01</u> 10.08.2020</p>	<p>For the Applicant : Mr.D.N.Ray Mr.S.Ghosh Mr.B.Nandy Advocates</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">It is submitted by the learned advocate for the applicant that though the matter has appeared under the heading "New Application" since the joining date of the applicant at AIIMS, Jharkhand is 31st August, 2020, in view of the urgency the matter may be taken up for hearing which Mr.G.P.Banerjee, learned advocate for the State respondents, does not oppose.</p> <p style="text-align: center;">In this application, Dr. Anirban Ganguly, the applicant, who had joined as RMO-Cum-Clinical Tutor on 6th June, 2017 pursuant to the Notification dated 20th March, 2017 in the Department of Biochemistry, Nil Ratan Sirkar Medical College, Kolkata under the West Bengal Medical Education Service, Government</p>	

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	<p>of West Bengal and who has completed 3 years of service and claims to be eligible for promotion to the post of Assistant Professor, has prayed for certain reliefs, the relevant portion of which is as under:-</p> <p>(a) An order do issue directing the respondent authorities to allow the applicant the benefit of "Lien" as enshrined in West Bengal Service Rules, Part-I for a period of two years from his present place of posting (putting the present permanent post of "RMO-cum-Clinical Tutor" on suspended lien), enabling him to join the post of "Assistant Professor", Department of Biochemistry at AIIMS, Deoghar, Jharkhand on or before 31.08.2020.</p> <p>(b) An order do issue thereby directing the respondent authorities to issue "relieving order" in favour of the applicant within a stipulated time period enabling him to join the post of "Assistant Professor", Department of Biochemistry at</p>	

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	<p>AIIMS, Deoghar, Jharkhand on or before 31.08.2020.</p> <p>It has been stated that the applicant had appeared in the interview. After appearing in the interview he qualified for the post. Accordingly, the Director, AIIMS, Patna on behalf of AIIMS Deoghar, Jharkhand had issued a letter dated 23rd January, 2020 offering him appointment and asking him to join on 30th June, 2020 which subsequently has been extended till 31st August, 2020. Submission is that though a representation was made before the State authorities on 24th January, 2020 seeking release order, it is yet to be considered. Since he is holding the post of RMO-Cum-Clinical Tutor in the discipline of Biochemistry, Nil Ratan Sirkar Medical College, Kolkata and he prays for Lien, in accordance with the rules, appropriate order may be passed to enable him to join the post. It is submitted by Mr.D.N.Ray, learned advocate for the applicant that though a representation dated 11th July, 2020 was submitted before the Secretary, Department of Health and Family Welfare and the Director of Medical Education & Ex-Officio Secretary, Department of Health & Family Welfare, the</p>	

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	<p>respondent nos. 1 and 2 respectively praying for lien from the present place of posting however, no steps have been taken. Hence this Original application has been filed. It is submitted that on a similar issue a writ petition, being WPST No.58 of 2020 with CAN 3159 of 2020 and CAN 3186 of 2020 Dr. Santanu Suba Vs. The State of West Bengal & Others was filed wherein the High Court had issued an order on 17th June, 2020 which may be considered. Submission is appropriate order may be passed on this application in view of the order passed by the High Court.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents submits that if directed the State respondent will consider the same in view of the order dated 17th June, 2020 passed by the High Court in Dr. Santanu Suba (Supra) and in accordance with law.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstance of the case, the Original application is disposed of by directing the Secretary, Department of Health & Family Welfare, Government of West Bengal, Kolkata,</p>	

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BLR	<p>the respondent 1 to dispose of the representation dated 11th July, 2020, appearing at pages 27 to 30 of the application, by passing a reasoned order to be communicated to the parties within 26th August, 2020 after taking into consideration the judgement passed on 17th June, 2020 in Dr. Santanu Suba (Supra) and after verifying the records.</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER (A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	